SLS 10RS-998

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 475

BY SENATOR QUINN

CRIME/PUNISHMENT. Provides relative to failure to pay child support obligation. (8/15/10)

1	AN ACT
2	To amend and reenact R.S. 14:75(B), (C)(1) and (2), relative to the crime of failure to pay
3	child support obligation; to provide for elements of the crime; to provide for
4	penalties; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 14:75(B), (C)(1) and (2) are hereby amended and reenacted to read
7	as follows:
8	§75. Failure to pay child support obligation
9	* * *
10	B. It shall be unlawful for any obligor to intentionally fail to pay a support
11	obligation for any child who resides in the state of Louisiana, if such obligation has
12	remained unpaid for a period longer than one year or is greater than five thousand
13	dollars .
14	C.(1) For a first offense, the penalty for failure to pay a legal child support
15	obligation shall be a fine of not more than five hundred dollars or imprisonment for
16	not more than six months, or both. no less than five percent of the outstanding
17	child support obligation, plus reasonable attorney fees, paid to the obligee.

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	Additionally, the court may order imprisonment for not more than six months,
2	which may include home incarceration for the purpose of allowing the obligor
3	<u>to work.</u>
4	(2) For a second or subsequent offense, the penalty for failure to pay a legal
5	child support obligation shall be a fine of not more than twenty-five hundred dollars
6	or imprisonment with or without hard labor for not more than two years, or both. not
7	less than ten percent of the outstanding child support obligation, plus
8	reasonable attorney fees, paid to the obligee. Additionally, the court may order
9	imprisonment with or without hard labor for not less than seven days but not
10	more than two years. Any sentence of imprisonment after the seven days may
11	include home incarceration for the purpose of allowing the obligor to work.
12	* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

<u>Present law</u> provides that it will be unlawful for any obligor to intentionally fail to pay a support obligation for any child who resides in the state of Louisiana, if such obligation has remained unpaid for a period longer than one year or is greater than five thousand dollars.

<u>Proposed law</u> provides that it will be unlawful for any obligor to intentionally fail to pay a support obligation for any child who resides in the state of Louisiana.

<u>Present law</u> provides that on a first offense, the penalty for failure to pay a legal child support obligation is a fine of not more than \$500 or imprisonment for not more than six months, or both.

<u>Proposed law</u> provides that on a first offense, the penalty for failure to pay a legal child support obligation will be a fine of no less than five percent of the outstanding child support obligation, plus reasonable attorney fees, paid to the obligee. Additionally, the court may order imprisonment for not more than six months, which may include home incarceration for the purpose of allowing the obligor to work.

<u>Present law</u> provides that on a second or subsequent offense, the penalty for failure to pay a legal child support obligation will be a fine of not more than \$2,500 or imprisonment with or without hard labor for not more than two years, or both.

<u>Proposed law</u> provides that on a second or subsequent offense, the penalty for failure to pay a legal child support obligation will be a fine of not less than 10% of the outstanding child support obligation, plus reasonable attorney fees, paid to the obligee and the deadbeat parent will be imprisoned with or without hard labor for not less than seven days but not more than two years. <u>Proposed law</u> further provides that any sentence of imprisonment after the minimum seven days may include home incarceration for the purpose of allowing the obligor to work.

Page 2 of 3

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

SLS 10RS-998

ORIGINAL SB NO. 475

Effective August 15, 2010.

(Amends R.S. 14:75(B), (C)(1) and (2))